

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

In re: )  
)  
STEVEN J. ZULLO ) Case No. 09-13497-SSM  
VIRGINIA CARVER ZULLO ) Chapter 13  
)  
Debtors )

**ORDER CONDITIONALLY OVERRULING OBJECTION TO CONFIRMATION**

A hearing was held on July 15, 2009, on the objection of Thomas P. Gorman, standing chapter 13 trustee, to confirmation of the plan filed by the debtors on June 3, 2009. The debtors were present by their attorney of record. The trustee was present in person.

Upon consideration of the plan, the arguments of the parties, and the entire record in this case, and for the reasons stated from the bench, the court determines that the plan, unless extended to 60 months, fails to satisfy the good faith standard of § 1325(a)(3) by unfairly discriminating between those unsecured creditors with long-term debts and other unsecured creditors. The debtors having consented on the record to an extension of the term of the plan to 60 months, it is

**ORDERED:**

1. The objection to confirmation is overruled, conditioned upon extension of the term of the plan from 52 months to 60 months and the concomitant increase in payments to the chapter 13 trustee from \$78,000 to \$90,000.

2. A separate confirmation order (and wage order, if the debtors are not self-employed) shall be presented consistent with the court's ruling.

Date: \_\_\_\_\_

Alexandria, Virginia

\_\_\_\_\_  
Stephen S. Mitchell  
United States Bankruptcy Judge

Copies to:

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Debtors

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Chapter 13 Trustee